

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL DONN BARTZ,

Plaintiff,

v.

MELINDA DERUS, et al.

Defendants.

ORDER

Case No. 24-cv-398-wmc

On June 18, 2024, I ordered plaintiff Michael Donn Bartz to make an initial partial payment of the filing fee in the amount of \$92.16 by July 15, 2024. Now plaintiff has filed a motion for an order directing prison officials to allow the plaintiff to withdraw \$92.16 from a release account to make the payment. I will grant the motion.

Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute, 28 U.S.C. § 1915, must pay the \$350 filing fee, first by making an initial partial payment under § 1915(b)(1), and then by paying the remainder of the filing fee in monthly installments under § 1915(b)(2). If a prisoner does not have sufficient funds in a regular inmate account to make the initial partial payment, then the prisoner may withdraw funds from a release account. However, prison officials will draw funds first from the prisoner's regular account and any portion of the initial partial payment remaining from the prisoner's release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005).

Plaintiff's regular account lacks sufficient funds to make the initial partial payment of the filing fee. Accordingly, I will direct prison officials to allow plaintiff to withdraw up to \$92.16 from a release account to make the payment.

ORDER

IT IS ORDERED that prison officials shall disburse up to \$92.16 from plaintiff's release account to satisfy the initial partial payment of the filing fee. Plaintiff's initial partial payment is due by July 22, 2024.

Entered this 1st day of July, 2024.

BY THE COURT:

/s/
ANDREW R. WISEMAN
United States Magistrate Judge